

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MEMORANDUM AND ORDER

Reagan, District Judge:

In July 2009, William Hill filed suit in the Circuit Court of Madison County, Illinois against his former employer, Securitas Security Services USA, and one of his managers at Securitas, Tanisha Grant. Hill alleged that he was subjected to verbal and physical threats at work, that he reported the attacks to his supervisor (Grant), and that he was terminated from his job in retaliation for reporting the “illegal activity of Securitas allowing the work-place violence” (Doc. 2-2, p. 3). Hill further alleged that Securitas negligently hired, trained and retained his coworker, Don Barnett, who allegedly assaulted Hill in June 2008.

Served with the state court complaint on July 29, 2009, Securitas removed the action to this United States District Court on August 28, 2009, invoking subject matter jurisdiction under the federal diversity statute, 28 U.S.C. § 1332. Defendants noted that Hill is an Illinois citizen, Securitas is a citizen of Delaware and California, and Grant - not

yet served at the time of removal - is a Missouri citizen.

On September 14, 2009, Plaintiff Hill moved for leave to amend his complaint. Four days later (and before a ruling was issued on the motion to amend), Securitas moved to dismiss all five counts of the original/existing complaint for failure to state a claim, or in the alternative for summary judgment against Hill "on all claims" (Doc. 14, p. 9).

On October 8, 2009, Magistrate Judge Wilkerson denied as moot Hill's motion for leave to file an amended complaint, noting that Federal Rule of Civil Procedure 15(a)(1) permitted Hill to amend his complaint without leave of court or the consent of Defendants (Doc. 20). Four days later, Hill filed his First Amended Complaint (Doc. 21), adding new claims/counts and an additional Defendant (Barnett, the Securitas employee who allegedly physically attacked, assaulted and battered Hill in the June 2008 incident underlying this lawsuit).

Currently pending before this Court is a remand motion (Doc. 18), not yet ripe for ruling by the undersigned District Judge. Clearly, this Court cannot reach the merits of Hill's claims unless and until the existence of subject matter jurisdiction is confirmed. Based on the filing of the First Amended Complaint, however, the Court now **DENIES AS MOOT** Defendant's motion (Doc. 13) directed to the original complaint.

IT IS SO ORDERED.

DATED October 22, 2009.

s/ Michael J. Reagan
Michael J. Reagan
United States District Judge

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